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10 Attorneys for Plaintiffs MARSHALL LOSKOT  
11 and DISABILITY RIGHTS ENFORCEMENT,  
12 EDUCATION SERVICES

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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

16 MARSHALL LOSKOT, an individual; and ) CASE NO. C04-5457 WDB  
17 DISABILITY RIGHTS ENFORCEMENT, )  
18 EDUCATION, SERVICES:HELPING )  
19 YOU HELP OTHERS, a California public )  
benefit corporation, )  
20 )  
Plaintiffs, )  
21 v. )  
22 )  
DAYS INN SAN RAFAEL; IRVING B. )  
23 LITCHFIELD JR. and CLETUS A. )  
LATHIGEE, as trustees for the )  
24 LITCHFIELD REVOCABLE TRUST; and )  
SAN RAFAEL MOTEL INVESTMENTS )  
LLC., )  
25 )  
Defendants. )  
26 )  
27 )  
28 )

The parties, by and through their counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Mutual Settlement Agreement and Release ("Agreement") herein, each party is to bear its own costs and attorneys' fees. A true and correct copy of the subject Agreement is attached hereto and incorporated herein as Exhibit "A," and the parties consent to the Court retaining jurisdiction over enforcement thereof. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

1 IT IS HEREBY STIPULATED by and between parties to this action through their  
2 designated counsel that the above-captioned action be and hereby is dismissed with prejudice  
3 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute  
5 one original document.

6  
7 Dated: October 7, 2005

THOMAS E. FRANKOVICH  
*A PROFESSIONAL LAW CORPORATION*

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9  
10 Dated: October 7, 2005

By: /s/ Jennifer L. Steneberg  
Jennifer L. Steneberg  
Attorneys for Plaintiffs MARSHALL LOSKOT  
and DISABILITY RIGHTS, ENFORCEMENT,  
EDUCATION SERVICES

11  
12 VERNARDI • ELAM, LLP

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14 By: /s/ H. Larry Elam  
H. Larry Elam  
Attorneys for Defendant DAYS INN SAN  
RAFAEL and SAN RAFAEL MOTEL  
INVESTMENTS LLC

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18 **ORDER**

19 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to  
20 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for  
21 the purpose of enforcing the parties' Settlement Agreement and General Release should such  
22 enforcement be necessary. The parties are ORDERED to comply with the terms of their  
Settlement Agreement.

23  
24 Dated: 10-11, 2005

